

PRIORITY SEND
JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. EDCV 10-00005 VAP(DTBx)

Date: February 11, 2010

Title: ALEX P. TIMPLE -v- DEUTSCHE BANK BERKSHIRE MORTGAGE,
INC., et al.

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PRESENT: HONORABLE VIRGINIA A. PHILLIPS, U.S. DISTRICT JUDGE

Marva Dillard
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFFS:

ATTORNEYS PRESENT FOR
DEFENDANTS:

None

None

PROCEEDINGS: MINUTE ORDER REMANDING ACTION TO CALIFORNIA
SUPERIOR COURT, SAN BERNARDINO COUNTY (IN
CHAMBERS)

Plaintiff Alex Timple ("Plaintiff") filed this action in the California Superior Court, San Bernardino County, on November 30, 2009. Plaintiff personally served the summons and Complaint on December 2, 2009. On January 4, 2010, Defendants Deutsche Bank National Trust Company and OneWest Bank, FSB ("Defendants") removed this action to this Court on the basis of federal question jurisdiction. On January 8, 2010, Defendants filed a motion to dismiss ("Motion") and noticed a hearing date of February 22, 2010. On February 3, 2010, Plaintiff filed a First Amended Complaint.

MINUTES FORM 11
CIVIL -- GEN

Initials of Deputy Clerk ____md____

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ALEX P. TIMPLE v DEUTSCHE BANK BERKSHIRE MORTGAGE, INC.; et al.
MINUTE ORDER of February 11, 2010

Plaintiff was entitled to amend his Complaint as a matter of course until January 25, 2010. Fed. R. Civ. P. 12(a)(1). After that date, Plaintiff was required to obtain leave of Court or consent of the opposing party in order to amend his Complaint. Fed. R. Civ. P. 12(a)(2). Plaintiff has not sought leave of Court to amend his Complaint, nor is there any evidence that he has obtained Defendant's consent. The Court nevertheless, in the interests of justice, exercises its discretion and grants Plaintiff leave to file a First Amended Complaint, and accepts the First Amended Complaint as filed.

Plaintiff's First Amended Complaint contains claims for (1) wrongful foreclosure; (2) violation of California's Unfair Competition Law; and (3) unjust enrichment. Each of Plaintiff's claims is based wholly in California state law. Accordingly, the Court finds that no claim in the First Amended Complaint arises under federal law, and REMANDS the action to the California Superior Court, San Bernardino County.

IT IS SO ORDERED.